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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/314,119	05/19/1999	YACINE SMAIL EL KOLLI	1807.0652	4719

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EXAMINER

TRAN, THIEN D

ART UNIT	PAPER NUMBER
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2665

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DATE MAILED: 03/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/314,119

Applicant(s)

EL KOLLI, YACINE SMAIL

Examiner

Thien D Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 28-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20, 28-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-20, 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Hodgkinson (WO 97/36453).

Regarding claims 1, 7, 12, 18, Hodgkinson discloses a method of transmitting on a network having at least one switch enabling information to be transmitted on at least one path between a so called "source" node and a so-called "destination" node during a communication session, the said network being adapted to transmit data in at least one connected mode and at least one non-connected mode, the said session including the transmission of at least one packet, each packet including on the one hand so-called "user" data and on the other hand header information (additional data) defining notably

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the path on the said network which the said user data will follow, when each packet is received, the destination node performs:

- an operation of reading the said header information (additional data), and
- an operation of determining the transmission mode, connection (connected) or connectionless (non connected), taking into account at least some of the said additional data,

wherein, the header information (additional data) includes a data item representing a virtual channel and a data item representing the source node and, during the determination operation, the destination node takes into account the said data items representing both the virtual channel and the source node in order to determine the transmission mode, connected or connectionless (not). See col.3 lines 5-25, col.6 lines 15-35, col.8 lines 20-30.

Regarding claims 6, 17, Hodgkinson discloses a method of sending by a so-called "source" node, on a network having at least one switch, enabling information to be transmitted on at least one path between the source node and a so-called "destination" node during a communication session, the said network being adapted to transmit data in at least one connection and connectionless (connected mode and at least one non-connected mode), the said session including the transmission of at least one packet, each packet including on the one hand so-called "user" data and on the other hand header information (additional data) defining notably the path on the said network which the said user data will follow, characterised in that:

-at each sending of information in connected mode, the source node performs an operation of reserving a virtual channel between the said source node and the said destination node, a virtual channel which the said information will follow, and

-at each sending of a packet of the said information, in connected mode, the source node performs an operation of determining the said additional data, during which the said additional data determined represent:

on the one hand a unique identifier of the source node in the said network, and

on the other hand, the said virtual channel. See col.3 lines 5-25, col.6 lines 15-35, col.8 lines 20-30.

Regarding claims 2, 8, 13, 19, Hodgkinson discloses that the destination node has a memory in which additional so-called "reference" data are stored and the operation of determining the transmission mode includes an operation of comparing the said additional reference data and additional data read during the reading operation. See col.9 lines 10-25.

Regarding claims 3, 9, 14, 20, Hodgkinson discloses that, during the transmission mode determination operation, the transmission mode is determined as connection when on the one hand the said additional data read and on the other hand the said OF data (additional reference data) are identical. See col.10 lines 15-30.

Regarding claims 4, 10, 15, Hodgkinson discloses that when, during the transmission mode determination operation, it is determined that the transmission mode is connectionless, the method includes an operation of reading, in the first packet

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containing the said information, header information (additional data) relating to the said information and intended to organize its transmission. See col.11 lines 5-25.

Regarding claims 5, 11, 16, Hodgkinson discloses that, when the transmission mode is connected, the method includes an operation of reserving a virtual channel between the source node and the destination node, the said reservation operation being effected as a preliminary to a transmission of the said information. See col.3 lines 10-25.

Regarding claims 28-30, having a storage medium to store instruction of computer program in the switching node is inherent from the system of Hodgkinson, because the switching node needs to have memory to store data and instruction for performing switching process incoming packet. See figure 7.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 31-44, rejected under 35 U.S.C. 103(a) as being unpatentable over Hodgkinson (WO 97/36453) in the view of Feldman et al (US 6148,000).

Regarding claims 31-44, Hodgkinson discloses a method of transmitting user data on a switched network between a so-called "source" node having a unique

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identifier on the said network and a so-called "destination" node, a method including, performed by the source node:

- an operation of determining data of the header (additional outward data defining notably), in its entirety, the path to be followed on the said network by the said user data, and

- an operation of sending, by the source node, at least one packet of said user data and the said additional outward data which relate to it,

- during the additional outward data determination operation, the source node defining additional outward data representing the said unique identifier of the source node (col.9 lines 10-20), and

- the method including, performed by the destination node, on reception of each packet:

  - an operation of reading the said identifier in the said additional outward data, and

  - an operation of checking the correct reception of the user data and, in the event of correct reception (col.7 lines 1-5):

  - an operation of determining additional return data defining notably a path going from the said destination node to the node identified by the said identifier.

Hodgkinson does not disclose an operation of acknowledging by sending acknowledgement data indicating the correct reception of the said user data and of the said additional return data.

However it would have been obvious to one having ordinary skill in the art to the acknowledgment feature as described above in the ATM switching network. Feldman

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(figures 5-7, col.11 lines 10-50, and col.15 lines 30-60), for example, discloses operation of acknowledging by sending acknowledgement data indicating the correct establishing of cell connection (correct reception of the said user data) and of the VC of the connection (additional return data), wherein the VC representing a virtual channel which the said user data must follow, the unique identifier from the source router to the destination router. Therefore, implementing an acknowledgment operation of Feldman to the system of Hodgkinson is a well-known technique to ensure the reliability of the switching network.

### ***Response to Argument***

3. Applicant's arguments filed on 01/16/2003 have been fully considered but they are not persuasive.

Applicant argues, pages 25 and 26, that Hodgkinson does not disclose determining the transmission mode, connected or non-connected, destination node taking into account some of the additional data representing virtual channel and source node's data item. However, Examiner disagrees with the argument because Hodgkinson discloses the determining of transmission mode, which includes connection oriented service (connect mode) and connectionless service (non-connected mode), col.2 lines 28-33, at each switching node (including the destination switching node so that the packet can be switched to the end-user such as computer 122 in figure 5) taking into account some of the header information (additional data) representing



VPI/VCI (virtual channel) and source address (data item of source node). See col.5 lines 5-25, figure 7.

Applicant argues, pages 27, that Hodgkinson does not disclose determining additional data represents a unique identifier of the source node in the network, and the virtual channel. However, Examiner disagrees with the argument because Hodgkinson disclose the determining of header information (additional data) representing source address (unique identifier of the source node) and VPI/VCI (virtual channel) at each switching node (including the source switching node so that the packet from the end-user can be switched to the next switching node). See figure 7 and col.7 lines 3-25.

Applicant argues, pages 28, that the prior art does not disclose an operation of acknowledging by sending acknowledgement data indicating the correct reception of data user and of additional return data. However, it would have been obvious to one having ordinary skill in the art to have the acknowledgement message for confirming the success (correctness) of the connection from source node to destination node. For example, Feldman discloses operation of acknowledging by sending acknowledgement message indicating the connection successful (correct reception of the said user data) and of the VC of the connection (additional return data), wherein the VC representing a virtual channel which the said user data must follow, the unique identifier from the source router to the destination router. See figures 5-7, col.11 lines 10-50, and col.15 lines 30-60.

***Conclusion***

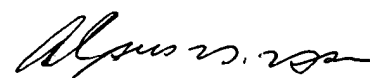
4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran



ALPUS H. HSU  
PRIMARY EXAMINER